

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Riger Mayanchenas,

Plaintiff(s),

Amended
COMPLAINT
(Pro Se Prisoner)

Case No. _____
(Assigned by Clerk's
Office upon filing)

*N.A. Harriman; C.O. Bigelow-S.; C.O. Fuller;
C.O. Borgo; C.O. Maurer; Sgt. Dixon-M.
et. al.*

Defendant(s).

Jury Demand
☒ Yes
☐ No

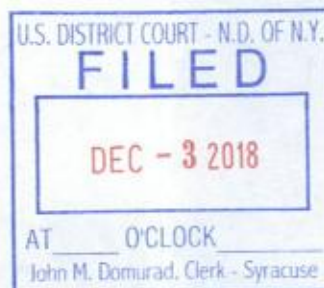
NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore **not** contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)
(federal defendants)
☐ Other (please specify) _____



II. PLAINTIFF(S) INFORMATION

Name:

Riger Mayanduenas

Prisoner ID #:

15R1240

Place of detention:

Attica Corr. Facility

Address:

P.O. Box 149Attica, N.Y. 11703-0149

Indicate your confinement status when the alleged wrongdoing occurred:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1:

(N.A.) Parriman of Clinton Corr. Facility Annex

Name (Last, First)

Nurse Administrator

Job Title

Clinton Correctional Facility

Work Address

Cook Street, Box 2000 Seneca, N.Y. 12929

City

State

Zip Code

Defendant No. 2:

C.O. Bigelow S.

Name (Last, First)

Correctional Guard at Clinton Annex

Job Title

Clinton Correctional Facility
Work Address

Cook St., Box 2000, Denham Springs, N.Y. 12929
City State Zip Code

Defendant No. 3:

C.O. Fuller
Name (Last, First)

Correctional Guard at Clinton Corr. Facility Annex
Job Title

Clinton Correctional Facility
Work Address

Cook St., Box 2000, Denham Springs, N.Y. 12929
City State Zip Code

Defendant No. 4:

C.O. Burgo
Name (Last, First)

Correctional guard at Clinton Corr. Facility Annex
Job Title

Clinton Correctional Facility Annex
Work Address

Cook St., Box 2000, Denham Springs, N.Y. 12929
City State Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint. *(see attached)*

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

Cont. from pg. 3

Def's Information

Defendant No. 5: C.O. MAURER

Name (last/first)

: Correctional guard at Clinton Co. Prison
Job title

PO Box 2000
Work Address

Denamora N.Y. 12929
City State Zip-code

Defendant No. 6: Sergeant Dixon M.

Name (last/first)

Correctional Sergeant at Clinton Prison
Job Title

PO Box 2000
Work Address

Denamora N.Y. 12929
City State Zip-code

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

On January 14th, 2018, Approx. 8:40 / 9:45 pm, I went to the clinic to take my mental health meds, as usual. I went to the clinic's window and produced my I.D. card to Nurse Administrator Mr. Harriman. N.A. Harriman then gave me my medication with a cup of water which I drank in his presence. N.A. Harriman then told me to open my mouth and raised my tongue to see if I swallowed the meds, however, I don't understand, comprehend or write English; so, I said in Spanish, "what's going on; what's happening?" N.A. Harriman then signalled me with his hand (indicating) to sit down which I did. While sitting down on inmate there told me in Spanish what the nurse had said; so, I got up and

V. STATEMENT OF CLAIM(S)

-1-

See Attached.

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

Cont. from (pg. 4)
Complaint

Went to Mr. Harriman who kept his eyes fixed on me and said, "me sorry", opened my mouth and raised my tongue exposing my false teeth which sticks underneath my tongue and jumped up and when I raised my tongue, He, N.A. Harriman mistook the jumping of my bottom teeth for the pill he had given me, which I had swallowed in front of him; N.A. Harriman noticeably became angry, signal me to sit down. I was leaning by the room wall waiting to go back to the cell when I noticed one (1) C.O. coming in and N.A. Harriman pointing with his finger in my direction (indicating) "that's him", "me". N.A. Harriman had told the other inmates there to leave so I was now alone. "C.O. S. Bigelow" then approached me and told me to open my mouth and as I said, "me no pick-inglis"; he, C.O. Bigelow sprayed my face with pepper spray blinding me completely. but before I went totally blind, I was able to see a few more officer coming behind him; As I went totally blind and placed both hands in my face, I backed up and all I felt after that was their fist all over me.

Cont., from (pg: 4)
Complaint

I tried to protect myself but couldn't see, I had no chance, my face, eyes were burning me and couldn't open them (or) breathe. I then was slammed to the floor with extreme force where my head hit the floor hard and I almost lost conscience; while on the floor, they kick and punched me with closed fist. As I tried to get up; C.O. Maurer came and sprayed me again resuming the kick and punching. I was then taken to another nurse on orders of Sgt. Dixon to inspect my injuries and was given a cold shower to remove the spray liquid from my face and body. The nurse that checked my injuries told them, "they had to take me to outside clinic because of a severed injury in my head." Two C.O.'s were ordered to 'videotape' the injuries and decontamination; C.O. Adre A., and C.O. Diley B.; this same C.O.'s were ordered to take me outside clinic but they were (not) involved in the beating. The first clinic I was taken to for a "C-scan" was "The University of Vermont Health Network/Chaplain Valley physicians Hosp., - Radiology, Plattsburgh, N.Y. 12901 and I was then

Taken to; "Albany Medical center Emergency Dept.,
43 New Scotland Avenue, Main Hospital, "tel;
(518) 262-3125, Emergency Dept., tel#: (518) 262-3131".

After I came out of the hospital, I was not able
to opened my left eye for a while, I had severe
headaches, my body and face were swollen and suffered
A fracture upper left molar cheek bone and left
eye abrasion.

[STATEMENT OF CLAIM(S)]

As the first cause of action, each defendant is
being sue jointly and in their individual capacity (i.e.);

Defendant #1/ N.A. Harriman, of clinton corr. inc.,
Annex clinic was the one that called the corr. guards
on me, he is being sue herein jointly and in their
individual capacity in violation of the plaintiff's eighth
Amendment right to the U.S.A. Const., and N.Y. Const., Article

Cont. From (pg 4)
Complaint.

1 & 6).

Defendant #2 / C.O.'s Bigelow S., is being sue herein jointly and in their individual capacity for violating the plaintiff's eighth amendment right to the U.S.A. Const., and N.Y. Const., Article 1 & 6); At Clinton Corr. Fac., medication clinic room, As he was the first guard that sprayed the plaintiff in the face and commenced to beat, strike the plaintiff at close fist.

Defendant #3 / C.O.'s Fuller, is being sue herein jointly and in their individual capacity for violating the plaintiff's eighth amendment right to the U.S.A. Const., and N.Y. Const., Article 1 and 6); As he worked at Clinton Corr. Fac. Annex and took part in the beating on plaintiff.

Defendant #4 / C.O.'s Burgo, of Clinton Corr. Fac.,

Complaint

Annex, is being sue herein jointly and in their individual Capacity for violating the plaintiff's eighth amendment right to the U.S.A. Const., and N.Y. Const., Art., 1 & 6); As he took part in the beating on plaintiff that caused him major injuries.

Defendant(s) #5/C.O. Maurer, of Clinton Corr. Fac., Annex, is being sue herein jointly and in their individual Capacity for violating plaintiff's eighth amendment right to the U.S.A. Const., and N.Y. Const., Art., 1 & 6); As he was the one that sprayed the plaintiff in the face the second time as plaintiff was still on the floor and also beat the plaintiff at closed fist causing him major injuries and suffering).

Defendant(s) #6/Sgt. Dixon (M), is being sue herein jointly and in their individual Capacity for violating the plaintiff's eighth amend., right to the U.S.A. Const., & N.Y. Const., Art., 1 & 6), As he was the Sgt. present there and failed to control the C.O.s and protect the plaintiff from being beaten."

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

SECOND CLAIM

THIRD CLAIM

"See Attached Complaint"

VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

*Plaintiff's seeking relief from the defendant(s)
And N.Y. state for a total of forty million Dollars (40).*

I declare under penalty of perjury that the foregoing is true and correct.

Dated: *11/27/2018*

Riger

Plaintiff's signature
(All plaintiffs must sign the complaint)